

REMARKS

Initially, Applicants would like to thank the Examiner for acknowledging receipt of the Information Disclosure Statement filed on April 16, 2004, as well as for acknowledging consideration of the references cited therein by placing his initials next to the citations to the references on the copy of the PTO-1449 Form that was returned with the outstanding Official Action.

In the outstanding Official Action, the specification was objected-to for an informality, and Applicants were requested to update the continuation data with appropriate patent numbers. Claims 1, 4-10, 12-17 and 19-22 were rejected under 35 U.S.C. §102(e) over IRWIN et al. (U.S. Patent No. 5,533,107). Claims 2, 3, 11 and 18 were rejected under 35 U.S.C. §103(a) over IRWIN in view of MOORE et al. (U.S. Patent No. 5,506,897) or NEVILLE (U.S. Patent No. 5,588,048). Claims 1-22 were rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-56 of U.S. Patent No. 6,097,802; over claims 1-13 of U.S. Patent No. 6,411,699; over claims 1-20 of U.S. Patent No. 6,542,598; and over claims 1-20 of U.S. Patent No. 6,697,477.

By the present amendment, Applicants have amended the specification at page 1 in order to correct the informality noted by the Examiner, and to update the continuation data with the appropriate patent number. Accordingly, Applicants respectfully request

reconsideration and withdrawal of the objection to the specification.

Applicants have also submitted a replacement title for the application to correct an error that appears on the title of the Application as filed. In this regard, the replacement title replaces the word "signal" with "single" in the title.

In view of the herein-contained remarks and the attached terminal disclaimer, it is respectfully requested that the Examiner withdraw the rejections of claims 1-22 under the judicially created doctrine of obviousness-type double patenting.

Applicants are filing the attached terminal disclaimer merely to remove any issue as to whether the claims of the above-identified application and those of either U.S. Patent No. 6,097,802 or U.S. Patent No. 6,411,699 or U.S. Patent No. 6,542,598 or U.S. Patent No. 6,697,477 in any way conflict. However, neither Applicants nor the assignee intend to make any representation as to whether the invention defined by any of the claims of the present application would have been obvious in view of any issued patent, or whether an obviousness-type double patenting rejection would be appropriate if the enclosed terminal disclaimer were not filed. The terminal disclaimer is being filed only to expedite the allowance of the pending claims. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the rejections under the judicially created doctrine of obviousness-type double patenting.

Applicants traverse the rejection of independent claims 1, 12, 16 and 22 under 35

U.S.C. §102(e) over IRWIN et al. (U.S. Patent No. 5,533,107). In this regard, claim 1 recites “a processor that determines which of the subscriber locations is closest to the geographic location of the calling party when the call request is placed outside the exception interval” (emphasis added). By way of comparison, IRWIN merely discloses that a subscriber can map areas from which calls can be routed to specified subscriber locations. IRWIN also discloses that different maps may be used for different times. Further, IRWIN discloses that maps may be used in conjunction with percentage allocation of calls.

However, IRWIN does not disclose or suggest “a processor that determines which of the subscriber locations is closest to the geographic location of the calling party”. In this regard, maps shown in the Figures of IRWIN specifically appear to disclose that some calls would not be placed to the nearest subscriber location. For example, it appears that calls from at least some parts of map 1 and map 2 shown in Figure 3A of IRWIN (e.g., parts of section 22) are routed to destination Y, although destination Z is closer. Further, it appears that the weighted geographic center of some entire sections in Figure 3A of IRWIN (e.g., section 8) would not be closest to a subscriber location to which calls from the sections are assigned (i.e., calls from the section, as a whole, are not routed to the nearest subscriber location).

Applicants additionally submit that the text of IRWIN does not disclose that calls are routed based on a determination of the nearest subscriber location. In this regard, terms

such as “nearest” or “closest” do not appear in the text at all.

IRWIN also discloses, at, e.g., col. 6, lines 38-45, that “using the subscriber specified parameters from the ANC subscriber, the SCP 46 locates the current active region set (map) for the subscriber, as explained below, depending on the time of day, day of week and/or percent of distribution”. However, none of these factors relate to a determination of the “closest” subscriber location. As noted above, IRWIN does not disclose any single map that would be used to route calls to the closest subscriber location. Accordingly, while some calls in IRWIN would incidentally be routed to a closest subscriber location, such routing would not be based on a determination of which subscriber location is closest. Rather, the calls in IRWIN are routed based on maps that are provisioned by the subscriber.

Applicants further submit that it would not be obvious to modify the teachings of IRWIN in the manner necessary to obtain the above-noted invention recited in claim 1. For example, IRWIN uses multiple maps, so that calls can be routed “depending on the time of day, day of week and/or percent of distribution”. However, if calls in IRWIN were to be routed to the closest subscriber location, the subscriber’s discretion in flexibly allocating service areas to particular locations depending on time of day etc. would be eliminated. Further, the subscriber’s discretion in allocating services areas (i.e., by provisioning multiple maps) would be eliminated, if calls were simply routed to the closest subscriber location as in claim 1. Accordingly, Applicants respectfully submit that it would not be

obvious to route calls to a closest subscriber location in IRWIN, as such modification would destroy the intention of IRWIN to provide routing flexibility, e.g., using multiple maps, and to give the subscriber the discretion as to the routing of calls.

For at least the reasons noted above, Applicants respectfully submit that no combination of IRWIN and any other reference would obtain the combination of features recited in claim 1. In this regard, Applicants note that modification of IRWIN in the manner necessary to obtain the invention recited in claim 1 would destroy the teachings of IRWIN, as noted above. In any case, Applicants note that the outstanding Official Action has not applied any other reference to the above-noted features recited in claim 1 (i.e., the outstanding Official Action did not recognize the need to modify IRWIN in the manner necessary to obtain the invention recited in claim 1).

Accordingly, at least for each of the reasons set forth above, Applicants respectfully request reconsideration and withdrawal of the rejection of independent claim 1 over IRWIN.

Applicants also submit that each of independent claims 12, 16 and 22 are allowable, at least for reasons similar to the reasons set forth above for the allowability of claim 1. Applicants further submit that each of claims 2-11, 13-15 and 17-21 is allowable at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations. Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections, as well as an indication of the

allowability of each of the claims now pending, in view of the herein-contained remarks.

Applicants additionally note that the outstanding Official Action applies MOORE et al. as a secondary reference. In this regard, MOORE discloses using zip codes to define service areas for customers. Further, MOORE discloses at, e.g., col. 12, lines 41-45, that “[i]f calls are to be routed to the closest location or to a service location servicing a non-overlapping polygon trade area, the first type of Client Table contains only a single entry per zip+4 code with its corresponding service phone number 146 and distance”.

However, Applicants submit that MOORE does not disclose or suggest the use of alternate routing based on exception periods. In this regard, claim 1 of the present application also recites “a router that routes the call request to a selected one of the subscriber locations, based on a predetermined percent allocation, when the call request is placed during the exception interval”. Applicants further submit that, if MOORE were to be applied as a primary reference to the invention recited in claim 1, one of ordinary skill in the relevant art would not have any motivation to modify the teachings of MOORE in the manner necessary to obtain the combination of features recited in claim 1.

In particular, MOORE discusses U.S. Patent No. 4,757,267 to RISKIN at, e.g., col. 4, line 59 to col. 5, line 21. In this regard, MOORE characterizes RISKIN as disclosing the “dealer location is usually selected from a list of several locations based on random selection *or weighted percentage* assigned to each location”. However, MOORE teaches

away from such a scheme by asserting that RISKIN discloses that the calling party's location information is restricted to a "fairly large" area, i.e., so that assignment by percentages would not be necessary under MOORE's "geographically precise results" (see col. 5, line 28 of MOORE).

Accordingly, MOORE does not disclose, suggest or render obvious the invention recited in claim 1, as it does not disclose any alternate routing schemes based on exception periods, and because it teaches away from "predetermined percent allocation" routing. Of course, Applicants note that the outstanding Official Action has not applied MOORE as a primary reference in rejecting claim 1. However, if such a rejection were to be considered, Applicants respectfully submit that no combination of MOORE and any other reference would obtain the invention recited in claim 1, as MOORE teaches away from the invention recited in claim 1.

Applicants further submit that no combination of MOORE and any other reference would obtain the invention recited in the remaining independent claims, each of which recites a combination of features similar to the above-noted combination of features recited in claim 1. In this regard, as explained above, MOORE teaches away from the modification that would be necessary to result in the invention recited in the claims of the present application. Accordingly, Applicants respectfully submit that MOORE would not serve as a proper primary reference to reject the independent claims of the present application.

Accordingly, Applicants respectfully submit that the references applied in the outstanding Official Action do not disclose, suggest or render obvious the combination of features recited in the claims of the present application. In this regard, Applicants have shown how IRWIN fails to disclose the combination of features recited in claim 1. Applicants have further shown how there is no motivation for one of ordinary skill in the art to modify IRWIN in the manner necessary to obtain the invention recited in claim 1. Further, although MOORE has not been applied as a primary reference in a rejection of claim 1, Applicants have further shown how MOORE fails to disclose the combination of features recited in claim 1. Applicants have further shown how there is no motivation for one of ordinary skill in the art to modify MOORE in the manner necessary to obtain the invention recited in claim 1. Further, Applicants have explained that each of the remaining independent claims of the present application should be found to be allowable, at least for reasons similar to the reasons set forth herein for the allowability of claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the outstanding rejections, as well as an indication of the allowability of each of the claims now pending.




SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance, and believe that they have now done so. Applicants have discussed the references applied in the outstanding Official Action, and shown how the combination of features recited in Applicants' claims are not taught, disclosed nor rendered obvious by the references applied by the Examiner.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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